

Remarks

Claims 1-25 were rejected under Section 102 as being anticipated by Byers (6684397).

Claim 1 recites a system that includes means for loading an install system to a temporary directory, setting a path for the install system as the temporary directory, and executing the install system from the temporary directory. Claim 16 recites a system that includes a load mechanism that loads an install system to a temporary directory, a directory mechanism that sets a path for the install system as the temporary directory, and an executing mechanism that executes the install system from the temporary directory.

Claim 6 recites a method that includes loading an install system to a temporary directory, setting a path for the install system as the temporary directory, and executing the install system from the temporary directory without rebooting an operating system. Claim 11 recites a computer readable medium that includes logic for loading an install system to a temporary directory, setting a path for the install system as the temporary directory, and executing the install system from the temporary directory without rebooting an operating system.

Claim 21 recites a method that includes loading an install system to a temporary directory without registering the install system with the operating system and executing the install system from the temporary directory without restarting the operating system.

The entirety of the Office's analysis in support of the rejection of Claims 1, 6, 11, 16 and 21 is set forth verbatim below.

"Byer et al teaches,

- means for loading the install system to a temporary directory (column 4, lines 11-17, 'installing software ... on the first processor');
- means for setting a path for the install system as the temporary directory (column 4, lines 25-29, 'before installing the operating system ... network server'); and
- means for executing the install system from the temporary directory (columns 3-4, lines 65, 'the data structure ... installation of the software')." Office Action, page 3.

The Office's conclusions based on Byers are not correct. Byers at columns 3-4 describes a method for remotely installing software using a master process and a slave process. Byers does not describe loading an install system (or anything else)

to a temporary directory or setting a path for the install system (or anything else) as the temporary directory or executing the install system (or anything else) from the temporary directory. Byers does not even mention a temporary directory. There is no indication that the "data structures" noted by the Office at column 3, line 65, of Byers are stored in a temporary directory. On the contrary, Byers teaches only that the "memory and/or storage utilized with the present invention contains data structures used in remotely installing software." Byers, column 3, lines 63-65.

There is just nothing in the passages from Byers cited by the Office that teach or suggest anything about the use of a temporary directory in the loading and execution of an install system or any other type of programming. If the Office disagrees, it is respectfully requested to specifically point out and explain the language in Byers that might reasonably be deemed to teach or suggest these limitations. Absent such a showing, the rejections should be withdrawn.

Further with regard to Claims 6 and 11, the Office has apparently failed to consider the limitation of executing the install system from the temporary directory *without rebooting an operating system*. The Office does not address the italicized limitation anywhere in the Action. For this additional reason, the rejection of Claims 6 and 11 should be withdrawn.

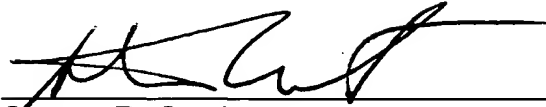
Further with regard to Claim 21, the Office has apparently failed to consider the limitations of loading an install system to a temporary directory *without registering the install system with the operating system* and executing the install system from the temporary directory *without restarting the operating system*. The Office does not address the italicized limitations anywhere in the Action. For this additional reason, the rejection of Claim 21 should be withdrawn.

The rejection of Claims 2-5, 7-10, 12-15, 17-20 and 22-25, which depend from Claims 1, 6, 11, 16 and 21 respectively, should also be withdrawn for the same reasons noted above for the base claims.

For all of these reasons, Applicant respectfully submits that the Office has failed to establish a prima facie case of anticipation as to any of the claims.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Ormiston', is written over a horizontal line.

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